

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**JOSH HICKS, Individually and on Behalf of
All Others Similarly Situated,**

Plaintiff,

vs.

HAWKINS CONSTRUCTION COMPANY,

Defendant.

8:20CV510

ORDER

This matter comes before the court after a review of the docket and pursuant to NECivR [41.2](#), which states in relevant part: “At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution.”

On February 8, 2021, the parties filed a joint motion to stay all deadlines for a period of thirty days, representing to the Court that they anticipated settling this case. ([Filing No. 10](#)). On February 9, the Court granted the parties’ motion and ordered the parties to file a stipulation for dismissal or, if they did not settle the case, to contact the Court to request a scheduling conference on or before March 11. ([Filing No. 11](#)). On March 11, the parties filed a joint motion asking for a “brief extension” in order to finalize and execute necessary documents, which the Court granted, extending the deadline to March 25. ([Filing No. 12](#)). Between March 25 and May 7, the Court granted the parties’ four additional joint requests to extend the deadline—extending the deadline to May 20—and notified the parties’ that no further extension would be granted without the parties’ first requesting a telephone conference. (Filing Nos. 14-21). On the May 20 deadline, the parties requested a telephone conference due to “difficulties” that emerged “which have delayed the settlement process and created uncertainty for the parties.” ([Filing No. 22](#)).

The Court held a telephone conference with counsel on May 25. The Court extended the deadline for the parties to file a joint stipulation for dismissal to June 15. The Court further ordered that “If a stipulation of dismissal is not filed on or before June 15, 2021, the parties shall file a Rule 26(f) Meeting Report.” (Filing No. 25). On June 10, the parties requested another telephone conference with the Court to discuss the delay in settlement. During the conference, the Court once again ordered the parties to file a joint stipulation for dismissal or a Rule 26(f)

Report on or before June 30, 2021. To date, the parties have done neither and have filed nothing further in this case. Plaintiff either needs to prosecute his case or this case must be dismissed. Accordingly,

IT IS ORDERED:

1. On or before **July 28, 2021**, the parties shall either file a stipulation of dismissal that complies with Fed. R. Civ. P. 41(a)(1) or a jointly prepared Rule 26(f) Report if no settlement has been reached.
2. Failure to comply with paragraph (1) will result in an order of dismissal for failure to prosecute and failure to comply with this Court's orders, without further notice.

Dated this 14th day of July, 2021.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge